

UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF VERMONT

**PLAINTIFF'S WITHDRAWAL OF HIS RULE 55(a) APPLICATION TO THE CLERK TO  
ENTER THE DEFAULT OF DEFENDANT ZIPPORAH LEGARDE**

Plaintiff Christopher Helali (“Plaintiff” or “Mr. Helali”), by and through his undersigned counsel, hereby withdraws this morning’s Application (Doc. 15) for the entry of default against Defendant Zipporah Legarde. Mr. Helali states respectfully as follows as to why he is withdrawing the Application:

Today at approximately 11:00 AM, Mr. Helali filed a Rule 55(a) Application to the Clerk seeking entry of default against Defendant Zipporah Legarde (Doc. 15). As detailed in the Application, Ms. Legarde’s deadline to answer Mr. Helali’s Complaint (Doc. 1) was January 26, 2022, and Plaintiff’s undersigned counsel had not heard from Ms. Legarde’s counsel since this Court issued its January 12, 2022 Opinion and Order (Doc. 14) denying Ms. Legarde’s July 26, 2021 Rule 12 Motion (Doc. 10) to dismiss Mr. Helali’s Complaint.

At approximately 1:39 PM today, Ms. Legarde filed her Answer (Doc. 16). And two minutes later at approximately 1:41 PM, Ms. Legarde filed a Response to Mr. Helali's Application for entry of default against her (Doc. 17).

Ms. Legarde's counsel did not contact Plaintiff's undersigned counsel at any time between January 12th and today and, as such, Plaintiff's counsel had no idea Ms. Legarde's counsel and her child had been ill or that the filing of an Answer was imminent. Had Ms. Legarde's counsel alerted Mr. Helali's counsel after 11:00 AM today to the forthcoming filing of Ms. Legarde's Answer, counsel would have withdrawn Mr. Helali's Application for entry of default in advance of Ms. Legarde filing her Answer so that no response to the Application would have been necessary.

In sum, Defendant Zipporah Legarde answered the Complaint today, so Plaintiff Christopher Helali respectfully withdraws his Application for entry of default against Ms. Legarde.

DATED at Burlington, Vermont this 1st day of February, 2022.

Respectfully submitted,

MSK ATTORNEYS

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